

FEDERAL RESERVE BANK *of* NEW YORK

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June 17, 2019

VIA ECF

The Hon. Andrew L. Carter, Jr.  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: TNB USA Inc. v. Federal Reserve Bank of New York, No. 18 Civ. 7978 (ALC)

Dear Judge Carter:

I write on behalf of Defendant Federal Reserve Bank of New York (the “New York Fed”) in response to the letter filed by Plaintiff TNB USA Inc. (“TNB”) on June 12, 2019. Although TNB filed its June 12 letter on ECF as a “letter motion,” in substance it is a reply in further support of TNB’s May 15, 2019 pre-motion conference letter seeking a Rule 16 conference. *See* June 12 Letter at 1 (TNB “write[s] in response” to the New York Fed’s May 20, 2019 letter opposing TNB’s May 15 request); *id.* (TNB “renew[s]” its May 15 letter motion). In submitting the June 12 letter as a new motion, TNB appears to seek to make an end-run around Your Honor’s Individual Practices, which do not contemplate replies in support of pre-motion conference requests. *See* Rule 2(A).

To the extent the Court does not reject TNB’s June 12 letter outright as noncompliant with Your Honor’s Individual Practices, the New York Fed opposes the relief it seeks for all the reasons set forth in the New York Fed’s May 20 letter, which asks the Court to stay discovery until the New York Fed’s motion to dismiss is resolved. In light of the purely legal nature of TNB’s claim, discovery is not warranted at all, let alone during the pendency of the dismissal motion. TNB’s June 12 letter confirms as much, because the subjects for discovery TNB proposes are not relevant to the legal question of statutory interpretation before the Court. The Court should accordingly deny TNB’s request for a Rule 16 conference and enter a stay.

Respectfully submitted,

/s/ Michele Kalstein  
Michele Kalstein

cc: Counsel of Record (via ECF)